

PATENT

Customer No. 22,852

Attorney Docket No. 6912.0188-00000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Steven J. BROWN et al.

Reissue Application No.: 10/086,920

Reissue Filed: March 1, 2002

For: INFLATOR CAPABLE OF
MODULATING AIR BAG
INFLATION RATE IN A VEHICLE
OCCUPANT RESTRAINT
APPARATUS

Group Art Unit: 3616

Examiner: David R. Dunn

Mail Stop Reissue
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

REPLY TO OFFICE ACTION

In reply to the Office Action mailed August 21, 2003, Applicants respectfully request reconsideration of the outstanding rejection and allowance of the application.

Initially, Applicants thank the Examiner for the courtesy of the personal interview with Applicants' Representative on September 16, 2003. The remarks below are consistent with the issues discussed and agreements reached during the interview.

In the outstanding Office Action, claims 39-46 were rejected under 35 U.S.C. § 251 as improperly recapturing broadened claimed subject matter surrendered in the parent patent. In particular, the Office Action refers to an amendment to claim 32 made in the parent application as triggering the surrender of certain claimed subject matter.

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Applicants traverse this rejection for at least the reason that no art rejection was ever applied against claim 32, and thus no surrender can be implied. During the personal interview of September 16, 2003, the Examiner agreed with Applicants' Representative that the outstanding rejection under 35 U.S.C. § 251 was improper for at least this reason. See Paper No. 14. Accordingly, Applicants request withdrawal of the outstanding recapture rejection and the allowance of claims 1-46.

Applicants note that the interview summary document issued at the conclusion of the September 16, 2003 personal interview incorrectly refers to an ex parte reexamination application. Accordingly, Applicants submit that any rules or requirements stated in the interview summary document that are particular to reexamination applications are not applicable to this reissue application.

In order to comply with the requirements of 37 C.F.R. § 1.178, the assignee of the parent patent of this reissue application submits herewith a Statement as to Loss of Original Patent.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: November 21, 2003

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